

Laying the human rights foundations for peace

Supporting an
inclusive and human rights-centred
peace process
in the Democratic People's
Republic of Korea

Discussion paper, September 2020



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I. Executive Summary

This discussion paper provides a snapshot of views of a sample of persons who have left the Democratic People's Republic of Korea, hereinafter referred to as escapees,¹ who were interviewed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on their perceptions related to the peace process on the Korean peninsula² and relevant human rights issues. The paper also explores escapees' opinions on the human rights and rule of law issues they deem most pressing in the Democratic People's Republic of Korea. It aims to contribute to ongoing efforts to achieve and sustain peace on the Korean peninsula, highlighting the need for a more participatory approach that takes into account the experiences, viewpoints and needs of the people from the Democratic People's Republic of Korea.

The first part of this paper presents the knowledge, understanding and expectations of a sample of escapees on the current peace process. It also includes their views on justice and accountability as a means to address human rights violations in the Democratic People's Republic of Korea.

The findings indicate that the majority of escapees interviewed by OHCHR were aware of the peace process but were not informed about the details or outcomes of the negotiations. While most escapees supported denuclearization of the Democratic People's Republic of Korea and reunification of the two Koreas, they expected the reunification to take time, given the stark political and economic differences between the two Koreas. Some escapees, primarily those now working on human rights issues in the Democratic People's Republic of Korea, were concerned about the lack of opportunity for people from the Democratic People's Republic of Korea to participate in the peace process and the absence of discussion of human rights during the negotiations.

The second part of the discussion paper presents escapees' views on the critical human rights issues that impacted their daily lives in the Democratic People's Republic of Korea and on changes needed to address the root causes of human rights violations and to establish sustainable peace.

In this context, escapees identified the following as priority human rights issues to be addressed: discrimination based on *songbun*; socio-economic status and gender; lack of employment and economic opportunities; lack of respect for the rule of law and fundamental freedoms; corruption and abuse of authority; the practices of torture and ill-treatment, sexual abuse, and inhumane

¹ OHCHR interviewed 63 escapees - 61 women and two men. In addition, a total of 12 escapees - 10 men and two women - participated in three focus groups discussions.

² The term "peace process" is used in this paper to refer to dialogue and engagements with the Democratic People's Republic of Korea on inter-Korean relations, security and denuclearization, and economic and humanitarian support.

conditions in prisons and detention facilities; the existence of political prisons; the issue of separated families and international abductions; and the need to ensure justice and accountability to address past and ongoing human rights violations.

The discussion paper makes recommendations to the Democratic People's Republic of Korea, the Republic of Korea, the United States of America and the international community on integrating human rights into the peace negotiations. The annex provides the Government of the Democratic People's Republic of Korea with a list of recommendations that could be used as benchmarks to begin the process of human rights-based reforms.

II. Introduction

This discussion paper aims to highlight the views of a sample of persons who have escaped from the Democratic People's Republic of Korea on human rights issues relevant to the ongoing peace process. This exercise was undertaken in a context where the current peace talks lack any formal structure to give voice to the people of the Democratic People's Republic of Korea. The paper thereby aims to initiate a public discourse on the need for meaningful participation of people of the Democratic People's Republic of Korea in the peace process. It also recommends key human rights reforms, and highlights the role of the international community in advocating for such reforms.

The International Covenant on Civil and Political Rights, to which the Democratic People's Republic of Korea is a State party, guarantees the right to participate in public affairs.³ Such participation is central to the attainment of democracy, the rule of law, social inclusion, gender equality, and economic development. While public authorities are responsible for taking decisions, the participation of various sectors of society allows for more informed decisions, thereby enhancing the legitimacy of State action.

Active, free and meaningful public participation is key to the right to development⁴ and to the full realization of all human rights.⁵ The Sustainable Development Goals include commitments to ensure responsive, inclusive, participatory and representative decision-making at all levels.⁶ United Nations Security Council Resolution 1325 on Women, Peace and Security affirms the importance of the participation of women and the inclusion of gender perspectives in peace negotiations and post-conflict peacebuilding and governance.⁷ Inclusive decision-making and meaningful participation are fundamental to sustaining peace including in peace processes.⁸

³ International Covenant on Civil and Political Rights, Article 25. Other human rights instruments, to which the Democratic People's Republic of Korea is a State party to, namely the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities, also contain provisions guaranteeing public participation.

⁴ The Declaration on the Right to Development, adopted by General Assembly resolution 41/128 on 4 December 1986, recognizes the right to active, free and meaningful participation in development.

⁵ Participation also helps to promote the exercise of other rights such as the rights to equality and non-discrimination, freedoms of opinion and expression, peaceful assembly and association, and the right to development.

⁶ The Sustainable Development Goals were adopted by the General Assembly in 2015. For more information, visit <https://sustainabledevelopment.un.org/>. The implementation and monitoring of the Sustainable Development Goals requires meaningful participation of all actors in society, including those most at risk of discrimination and of being left behind.

⁷ United Nations Security Council Resolution 1325 was adopted on October 2000 to ensure gender integration and representation in peacekeeping and peacebuilding initiatives. [https://undocs.org/en/S/RES/1325\(2000\)](https://undocs.org/en/S/RES/1325(2000))

⁸ United Nations and World Bank. 2018. "Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict." For more information visit <https://openknowledge.worldbank.org/bitstream/handle/10986/28337/211162ov.pdf?sequence=6&isAllowed=y>

III. Methodology

This discussion paper is based on 63 interviews conducted by OHCHR between January and December 2019, primarily with women escapees⁹ from the Democratic People's Republic of Korea. Most of the escapees interviewed left the country in 2018 or 2019 via the land border with China. Interviewees included housewives, persons engaged in commercial activities, teachers, nurses, farmers and students. OHCHR also conducted three focus groups discussions with escapees who arrived in the Republic of Korea before 2018, and who are active in the human rights field.

All interviews and focus group discussions were conducted in the Republic of Korea using a format that allowed escapees to share their experiences and express their views on the peace process, on human rights challenges including those affecting women, and how to achieve sustainable peace. OHCHR conducted a qualitative analysis of the information to identify the main patterns and themes highlighted in the interviews and focus groups discussions. It obtained free and informed consent to use the information. The identity and other details of the interviewees have been withheld for their protection.

OHCHR was unable to interview citizens from the Democratic People's Republic of Korea living inside the country due to the continued lack of access to the Democratic People's Republic of Korea.

OHCHR recognizes the diversity of views among escapees and the broader public in the Democratic People's Republic of Korea and does not claim that this paper is representative of this full spectrum of experiences and opinions. Nevertheless, the findings provide insights into the views of some escapees living in the Republic of Korea and highlights the need to include voices of people from the Democratic People's Republic of Korea in a process from which they have thus far been excluded. Further consultation and efforts to integrate the views of citizens from the Democratic People's Republic of Korea, as well as of those living outside, would add a valuable and essential dimension to the current peace diplomacy.

⁹ The majority of escapees who have arrived in the Republic of Korea are women. OHCHR currently has limited access to male escapees in the Republic of Korea.

IV. Background

In early 2018, the situation on the Korean peninsula underwent a shift. In an effort to improve relations, the Democratic People's Republic of Korea and the Republic of Korea held three summits. On 27 April 2018, they signed the Panmunjom Declaration for Peace, Prosperity and Reunification of the Korean Peninsula (Panmunjom Declaration), and on 19 September 2018, they signed the Pyongyang Joint Declaration.

The Panmunjom Declaration included a commitment to declaring an end to the 1950-53 Korean War, turning the armistice into a peace treaty, and establishing a permanent and solid peace regime; carrying out disarmament in a phased manner; alleviating military tensions and increasing active cooperation; and resolving humanitarian issues including the reunion of the separated families.¹⁰ In the Pyongyang Joint Declaration, the Democratic People's Republic of Korea committed to permanently dismantling the Dongchang-ri missile-engine test-site and expressed its willingness to dismantle the nuclear facilities in Yeongbyeon if the United States of America would take corresponding measures. The two States also agreed to expand the cessation of military hostilities; initiate cross-border cultural, social and economic exchanges; strengthen humanitarian cooperation to resolve the issue of separated families; and initiate tourism, railways and roads cooperation projects.¹¹

The first ever summit between the leaders of the Democratic People's Republic of Korea and the United States of America was held on 12 June 2018, in Singapore. On that occasion, President Trump made a commitment to "provide security guarantees to the Democratic People's Republic of Korea" while Chairman Kim Jong Un "reaffirmed his firm and unwavering commitment to complete denuclearization of the Korean peninsula". The two leaders agreed to hold follow-up negotiations in their efforts to build a lasting and stable peace on the Korean peninsula.¹²

In February 2019, the United States of America and the Democratic People's Republic of Korea held a second Summit in Hanoi, Vietnam, which ended without an agreement. Negotiations have since been stalled.

¹⁰ Panmunjom Declaration for Peace, Prosperity and Reunification of the Korean Peninsula, https://www.mofa.go.kr/eng/brd/m_5478/view.do?seq=319130&srchFr=&%3BsrchTo=&%3BsrchWord=&%3BsrchTp=&%3Bmulti_itm_seq=0&%3Bitm_seq_1=0&%3Bitm_seq_2=0&%3Bcompany_cd=&%3Bcompany_nm=&page=1&titleNm=

¹¹ Pyongyang Joint Declaration of September 2018, www.mofa.go.kr/eng/brd/m_5476/viewdo?seq=319608&srchFr=&%3BsrchTo=&%3BsrchWord=&%3BsrchTp=&%3Bmulti_itm_seq=0&%3Bitm_seq_1=0&

¹² Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit, <https://www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-united-states-america-chairman-kim-jong-un-democratic-peoples-republic-korea-singapore-summit/>

While efforts for the peaceful resolution of the conflict on the Korean peninsula continue, there have been no substantial changes in the serious human rights situation in the Democratic People's Republic of Korea. As denuclearization has been at the forefront of the negotiations, human rights issues have so far not been part of this process, and the voices of the people of the Democratic People's Republic of Korea, including women, have been absent. Civil society organizations in the Republic of Korea have expressed concerns over the failure to integrate human rights issues into the peace talks. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea has repeatedly emphasized the centrality of human rights in the peace process and the need for upholding human rights as a conflict prevention and peacebuilding tool.¹³ The United Nations Secretary-General has also stressed the centrality of the welfare and inherent dignity of the people of the Democratic People's Republic of Korea in any negotiations to denuclearize the Korean peninsula and to establish durable peace and stability in the region.¹⁴

¹³ Human Rights are key to progress in North Korea talks, says UN expert, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22988&LangID=E>

¹⁴ Report of the Secretary-General on the Situation of human rights in the Democratic People's Republic of Korea, August 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/251/74/PDF/N1825174.pdf?OpenElement>

V. Knowledge and understanding of peace, denuclearization, reunification, justice and accountability

This section explores escapees' knowledge, understanding and expectations of the human rights issues relevant to denuclearization and reunification and assesses whether they had an opportunity to meaningfully participate and express their views in the peace process. The section also considers the escapees' awareness of and views on justice and accountability and of the appropriate mechanisms to address past and ongoing human rights violations in the Democratic People's Republic of Korea.

a) Peace and Denuclearization

"I heard about the visit to Vietnam [Hanoi Summit] and China by Chairman Kim Jong Un. On television, there were media reports that the talks went very well and they [the leaders] came home safely."¹⁵

The majority of the escapees that OHCHR interviewed were aware of the talks between the Democratic People's Republic of Korea, the Republic of Korea and the United States of America.¹⁶ They understood that the negotiations focused on reunification, denuclearization, economic development and the lifting of sanctions. Inside the Democratic People's Republic of Korea, urban residents were informed about the peace talks by watching or listening to national broadcasts. In rural areas, people generally had less access to information, which was often shared among relatives through word of mouth.

"If people have television and electricity, they can know what is happening. In some areas, there is no electricity so people do not get any news. The village people who come to cities hear about it and share the information or news in their places."¹⁷

¹⁵ KOR/19/0044.

¹⁶ Escapees who have lived in the Republic of Korea or China for some years were better informed about the peace process as compared to those who had recently left the Democratic People's Republic of Korea.

¹⁷ KOR/19/0044.

"I felt that the peace talks were covered selectively in North Korea¹⁸. We were told about the visit of President Moon Jae-in when he met Chairman Kim Jong Un on the runway of Pyongyang Airport and were shown photos and video clips of the South Korean¹⁹ President meeting with different counterparts. The news commentator said where they met and that unification was on the horizon."²⁰

Although the peace process is an important political development in the Democratic People's Republic of Korea, some escapees pointed out that the general public, especially poorer families and those living in rural areas, were more concerned about meeting their daily subsistence needs, and did not follow the dialogue process or were concerned about the prospects of the country. Escapees were also of the view that the public did not believe the success of this process would bring meaningful improvement to their daily struggles for survival.

"Civilians in North Korea are only concerned about how to make a living; if I go to the Jangmadang [market] and sell things, we worry about making enough money. People do not have time to think about the peace process and what it should look like, and how justice can be done."²¹

"People think that the opening of North Korea would only benefit the party cadres and that the general public would not benefit."²²

On denuclearization, most escapees were of the view that it was necessary for both peace and reunification and for the economic development of the country. Some escapees stated that the nuclear and missiles programme and the military-first policy had led to public suffering. They also pointed out that the military-first policy had further strengthened the role of the military in civilian administration and policy-making, resulting in systematic human rights violations. They wanted the Democratic People's Republic of Korea to use its limited resources towards economic and social development.

"The Government says it has a military-first policy. However, if the military-first policy harms people what is the use of it? Even the military themselves are suffering; they are starving to death due to malnutrition. The Government is using all its resources and has invested a lot in nuclear development, so denuclearization is a sensitive issue. Other countries are perfectly fine without nuclear weapons so why would we need them at the cost of people?"²³

"The money spent on being a nuclear power should rather be spent on the well-being of the

¹⁸ Escapees used the term "North Korea" to refer to the Democratic People's Republic of Korea.

¹⁹ Escapees used the term "South Korea" to refer to the Republic of Korea.

²⁰ KOR/19/0038.

²¹ KOR/19/0010.

²² KOR/19/0045.

²³ KOR/19/0021.

people.”²⁴

b) Reunification

“I think exchanges between the two Koreas are necessary. Without the exchanges, reunification is not possible.”²⁵

When asked about possible reunification of the two Koreas, most of the escapees agreed that it was necessary. However, they questioned whether it was feasible given the stark political and economic differences between the two countries.

Most escapees stated that the populations of the two countries have a different understanding of reunification. According to them, in the Democratic People's Republic of Korea, reunification meant absorbing the Republic of Korea and creating a unified country. On the other hand, they considered that people in the Republic of Korea understood reunification as unifying the two countries within the democratic political system of the Republic of Korea.

Some escapees noted that the political leadership in both countries had presented an ideal concept of reunification, which was not practically possible in the current environment. Escapees reiterated the need for a more honest discussion of the issue.

“Both North and South Korea believe in reunification by absorbing the other country. Some conditions need to be met before reunification. I am skeptical that North Korea would want to be absorbed. However, if they seek reunification then the country should improve first. The concept of reunification presented by the political leadership is too ideal. Reunification is possible once both countries have the same political system. South Korea is a multi-party democracy; it is hard to see that North Korea would be willing to be part of the South Korean multi-party democratic system.”²⁶

Some escapees were of the view that there should be increased economic integration and people-to-people engagement prior to any political integration. They wanted the Democratic People's Republic of Korea to agree to democratic, social and economic reforms prior to reunification. They also stated that social and economic integration of the two Koreas would create opportunities for economic development; strengthen the rule of law, good governance and human rights; and lay the foundations for future political integration. A few escapees emphasized that the public should be consulted and informed at every stage of the reintegration process.

²⁴ KOR/19/0022.

²⁵ Focus Group Discussion, 12 April 2019.

²⁶ Interview with an escapee, 25 June 2019.

Escapees shared their views on steps towards reunification.

“Currently one country - one system is not possible, as there is a gap between the two Koreas in terms of security, political and economic considerations. Now, we need to maintain a border under a federal system, but where economic exchanges can happen. After a while, after North Korea becomes more familiar with democracy and its economy improves, then it is possible that the two countries may become unified under one system. Before that, it would not be possible.”²⁷

“Even if North Korea becomes a democratic State, it should be left alone for a certain time for its development. If the reunification is led by South Korea, both the North Korean residents and the Government will be in conflict with South Korea. North Korea should be given a certain time for its development and to become more democratic.”²⁸

c) Justice and Accountability

“When I was living in North Korea, we never thought that justice could be done. I never thought about seeking justice.”²⁹

OHCHR discussed with escapees their expectations concerning remedies for the violations suffered by people in the Democratic People’s Republic of Korea. For some escapees, the concepts of justice and accountability were new and they did not have a strong opinion on such processes. Other escapees highlighted that due to restrictions on human rights and fundamental freedoms and the absence of the rule of law, people in the Democratic People’s Republic of Korea did not believe that justice and accountability for wrongdoings by the authorities were even foreseeable.

Some escapees highlighted that since most people were unaware of their rights, in many cases, they did not question or blame the authorities for violations. Instead, they believed that they had broken the law and that, while the actions by law enforcement officers were not proper or justifiable, they fell within the remit of the law. On the other hand, some escapees were optimistic that, although this remained limited, people had started questioning abuses by officials.

“Most people are completely unaware of their rights and accept the violations as their fate instead of questioning the policies of the Government. Criticizing the Government is dangerous and restricted. Many people slowly understand it [their rights]; however, there is a long way to go.”³⁰

²⁷ Focus Group Discussion, 18 April 2019.

²⁸ Focus Group Discussion, 2 May 2019.

²⁹ KOR/19/0010.

³⁰ KOR/19/0021.



“People are unaware of the law and people simply accept any charges laid against them by the authorities, even when they have not committed the crime. People do not have any incentives to learn.”³¹

When asked which accountability mechanisms they viewed as the most appropriate for ensuring justice and accountability, some escapees did not know what to expect whereas others stated that it was necessary to take into account the specific context to deal with past human rights violations. For example, escapees suggested that the high numbers of Government officials and members of the Worker’s Party of Korea who had been involved in human rights violations made it impossible for every crime to be punished. They noted a need to take into account that many low-ranking Government officials had merely executed orders from their superiors.

“Many people have committed wrongdoings but a lot of them were just obeying orders. People tell us that they know that they should not be doing this [violating rights] but they have no choice. I do not think all people should be punished.”³²

Some escapees, primarily those who were victims of human rights violations, expressed that it was important to punish suspected perpetrators of serious human rights violations. They believed that punishment was necessary to ensure justice.

³¹ KOR/19/0022.

³² KOR/19/0023.

"Since human rights violations are still happening, I look back on the days that I suffered and I think that they [the authorities] should be punished."³³

"I hope the people who have incarcerated my husband are punished."³⁴

"I want the officers who interrogated me to be punished by losing their jobs".³⁵

"We should address the past properly otherwise the new society will be in chaos."³⁶

Some escapees also pointed out that the legal and organizational structure in the Democratic People's Republic of Korea had facilitated human rights violations instead of protecting rights. Escapees, particularly those who are working on human rights issues in the Democratic People's Republic of Korea, stated that they wanted higher-ranking officials and leaders of the Workers Party of Korea to take responsibility for the widespread human rights violations and to initiate human rights reforms.

Some escapees also emphasized the need for victims of human rights violations and their families to have a voice in any future truth and accountability processes. They understood that any comprehensive truth, justice and reform processes could take decades to complete, but that it was essential for reconciliation and sustainable peace.

"I think truth-telling is a must. Without that, there is no way for reconciliation. Without that process, it is hard to decide who should be punished and to what degree. There are international laws that can serve as the legal basis for the punishment of human rights violations."³⁷

"North Korea should address the past without exception. People argue that reconciliation should come before addressing the past but some people have spent their whole life under the oppression. There can be no reconciliation for those people unless such issues are addressed."³⁸

"I think victims' voices should be heard when it comes to how to address the past and to what extent, and I think the process itself should be a constant journey; so it may take generations or decades and may only happen gradually."³⁹

³³ KOR/19/0029.

³⁴ KOR/19/0030.

³⁵ KOR/19/0049.

³⁶ Interview with an escapee, 25 June 2019.

³⁷ Focus Group Discussion, 12 April 2019.

³⁸ Ibid.

³⁹ Ibid.

VI. Laying the human rights foundations for peace

This section outlines what the escapees interviewed by OHCHR considered as the main drivers of human rights violations in the Democratic People's Republic of Korea and some of their recommendations to address the root causes of such violations and to lay the foundations for peace, stability and the rule of law.

a) Promoting equality and non-discrimination

"Anyone wanting to work in the Party or the Government needs a good background. Anyone who has fought in the war [those who assisted South Korean or external forces during the Korean War] or whose family member has been a landlord in the past will never have the opportunity to join the Government or party. The system is established in such a way that the children of regular workers become regular workers and the children of party workers become party workers."⁴⁰

Escapees identified discrimination based on *songbun* as a priority human rights concern to address in the Democratic People's Republic of Korea.⁴¹ They highlighted that people living in Pyongyang who were from the upper *songbun* enjoyed a higher social and economic status than those living in other cities and in rural areas.⁴² They also indicated that Government and party officials were primarily selected based on their *songbun* rather than on merit, which created a patronage system whereby officials were preoccupied with satisfying the leadership rather than protecting the rights or interests of the population.

Complete disregard for the rights of the detainees, corruption among officials, and disproportionately harsh sentencing by courts for minor offences were highlighted as illustrations of how State officials, mostly from a higher *songbun*, failed to understand how their actions impacted

⁴⁰ KOR/20/0001.

⁴¹ *Songbun* is a State classification system of citizens of the Democratic People's Republic of Korea into classes based on perceived allegiance to the Government, ascertained by reference to family background and particular actions taken by family members. Citizens thus fall into three broad classes: core, wavering and hostile. The Government of the Democratic People's Republic of Korea claims that the *songbun* system is not practised, and that domestic legislation guarantees equality and non-discrimination. The 2014 United Nations Commission of Inquiry report found that the *songbun* system led to structural discrimination.

⁴² Economic and social data from the 2017 Multiple Indicator Cluster Survey (MICS) conducted by the Central Bureau of Statistics with support from the United Nations Children Fund (UNICEF) confirmed the significant social and economic disparities between people living in Pyongyang and those living in rural areas.

the lives of poorer and less privileged families and individuals. Escapees recommended that the Government treat all its citizens equally, abolish the *songbun* system, and replace it with a merit-based system.

“Persons without a good songbun are not allowed to work in the judiciary or other Government positions. The family background matters more than merit. People working in the judiciary do not understand their responsibility; rather, it is just a job for them. Ordinary citizens have to bear the cost because of their decisions but the officials do not understand it. Selection should therefore be based on merit and not based on songbun.”⁴³

“If you have decent songbun it is easier for you to pursue your career.”⁴⁴

Some escapees highlighted that due to widespread corruption, people were denied their rights not only on the basis of their *songbun* but also on their inability to pay bribes. One escapee noted that poor people from unfavourable *songbun* were thus doubly marginalized.

Escapees stated that women were still considered inferior to men in the Democratic People’s Republic of Korea.⁴⁵ They highlighted that in recent years, women had become primary breadwinners in most families but that their contribution was still not recognized due to the deep-rooted discriminatory stereotypes. Escapees described domestic violence as widespread,⁴⁶ with no avenues for women to report such acts or seek protection. One escapee mentioned that due to prevailing negative social perceptions, women would generally not go to hospital for treatment or seek police protection, even in severe cases. Escapees emphasized the need for the Government to ensure gender equality in both law and practice and to prohibit all forms of sexual and gender-based violence.

“I think there are gaps in how men and women are treated. In North Korea, it is mainly women who work as the main breadwinners for the family. Men do not work as much as women do. Men hold authority in the family although they are not earning.”⁴⁷

*“I was also a victim of domestic violence. I was beaten by my husband and by my stepmother. Ministry of People’s Security officers do not intervene in domestic violence cases. If it is a serious case, the officers join the *inminban* [neighbourhood watch committee meeting] and advise people not to resort to domestic violence. The Government would not provide anything to the woman even in serious cases. Even in serious cases where a wife*

⁴³ KOR/19/0032.

⁴⁴ KOR/19/0007.

⁴⁵ The 2010 Law on the Protection and Promotion of the Rights of Women prohibits discrimination against women. In its 2017 concluding observations on the Democratic People’s Republic of Korea, the Committee on the Elimination of Discrimination Against Women expressed concerns about the persistence of discriminatory stereotypes regarding the roles of women and men in the family and society.

⁴⁶ According to the escapees OHCHR interviewed, economic hardship, drug abuse and patriarchal attitudes contribute to domestic violence in the Democratic People’s Republic of Korea.

⁴⁷ KOR/19/0045.

*is beaten severely and she cannot move, the woman prefers to stay at home rather than to visit a hospital. People feel shy about visiting the hospital in domestic violence cases.*⁴⁸

*“North Korea has said that women are treated equally. However, there are structural issues that go against that argument. North Korea does not recognize those structural issues and does not take the initiative to discuss the fact that women are underestimated. There is no State apparatus to discuss higher gender standards. Although there are women’s unions, those are used to control citizens rather than to promote gender equality. Also, women who fall victim to sexual violence have no avenue to file complaints. The Government should assure the victims that they will be protected when sharing their experiences, but that is not happening; so even if there are gender issues, there is no opportunity for women to raise their voices.”*⁴⁹

b) Ensuring economic and social rights

*“We are required to pay more and more but the economic activities are less and less. People will choke to death with no alternatives. Both agricultural productivity and commercial activity decreased last year. More people have starved to death.”*⁵⁰

Most escapees pointed out that the lack of employment and economic opportunities had led to human rights violations in the Democratic People’s Republic of Korea. They stated that, although the Government portrays the country as a socialist State, it neither fulfils the basic needs of the population, nor allows citizens to legally engage in gainful economic activities.⁵¹ They informed that to operate businesses, people had to regularly bribe local officials, but that even after paying bribes traders were often arbitrarily detained if officials were unsatisfied with the amount, or had to demonstrate to the leadership that they were cracking down on illegal market activities.

An escapee expressed her frustration about excessive control and the lack of economic support:

*“North Korea does not have a good public distribution system, nor do we have an affluent life. State-run enterprises are not run properly. People say it is because of politics that the country is not managed properly. For example, if a food ration is provided to the population then the authorities could have a right to control goods in the market. However, it does not make sense when they [the authorities] control goods but also do not provide food to the citizens.”*⁵²

⁴⁸ KOR/20/0005.

⁴⁹ Focus Group Discussion, 12 April 2019.

⁵⁰ KOR/19/0032.

⁵¹ For more information see “The Price is Rights: The violation of the right to an adequate standard of living in the Democratic People’s Republic of Korea”, OHCHR, May 2019.

⁵² KOR/19/0031.



Some escapees also noted that women engaged in business and commercial activities were vulnerable to sexual exploitation. It was stressed that local law enforcement officials and market managers asked for bribes as well as sexual favours to allow women to trade in the market.

Some escapees highlighted the rural-urban economic divide. They explained that the economic situation in the rural provinces, which primarily depended on farming and gathering of medicinal herbs, was worse than in urban areas bordering China, where it was possible to make money through trade and smuggling. They expressed concern that, in recent years, the yield from farming was insufficient for sustaining their livelihoods. A few escapees said that since early 2019, the Government had prevented people from farming in forest areas in the mountains due to environmental concerns. They expressed concern that with no alternative economic support, people in some rural areas were at a risk of starvation in the coming years.

“Hyesan City in Ryanggang province is close to China, where people smuggle goods and make a living. But my birthplace is in a rural remote area and residents have difficulty making a living.”⁵³

“Even if we work on farms, we are not provided with a proper amount of food in the fall harvest. Alternatively, people go to the mountains to collect medicinal herbs, which they then sell to buy rice. However, it is not enough. It is tough to buy food.”⁵⁴

Most of the escapees sought a more conducive environment for economic activity, and highlighted the need for the Government to undertake comprehensive reforms to allow citizens to pursue economic activities without fear of being arrested or having to bribe the authorities.

⁵³ KOR/19/0034.

⁵⁴ KOR/19/0036.

"There should be comprehensive reforms of the system. It should not only be related to opening trade. There should be more market and corporate activities."⁵⁵

"I think the country should be open and should be reformed. The border should be opened so that North Koreans can trade legally and they do not have to smuggle."⁵⁶

Compulsory State-assigned employment

"We do not have enough time to work to our full potential, even when we want to work. People are not valued for their life. There is no happiness, but constant fear. People want to escape, as there is no value for life. The only way to get out of this problem is to either escape or die. People are staying alive but with no identity."⁵⁷

Almost all escapees stated that compulsory State-assigned employment⁵⁸ was a major financial burden and hindrance to seeking economic opportunities. Escapees explained that as people were not paid at all, or very little, families would have no means to meet their daily needs if they engaged only in State-assigned jobs. They expressed discontent that people had to pay the Government to avoid working in unpaid State-assigned jobs. A few escapees were of the opinion that the Government was aware that the State-assigned employment programme had completely failed, but it continued because it allowed authorities to continue to extort money from citizens.

"The system of mobilization should be abolished. There is no work in the factories. There is nothing to do there. We are not paid for working there. If we have to pay money to the Government, we should be able to engage in business that allows us to earn money. We are asked to pay and we are also asked to be mobilized at the same time. Both are not possible."⁵⁹

"We are mobilized for labour every day. If we want to skip the work, then we have to pay around five to 10 yuan per day, depending on the nature of the work. Although I have set working hours in the Jangmadang [market], I will also have to pay for skipping compulsory work."⁶⁰

An escapee explained how the State-assigned employment programme was politically exploited to limit fundamental freedoms and maintain control.

⁵⁵ Interview with an escapee, 25 June 2019.

⁵⁶ KOR/19/0046.

⁵⁷ KOR/19/0022.

⁵⁸ The Constitution of the Democratic People's Republic of Korea guarantees employment to all people through State-assigned jobs. However, there is not enough work and people are not remunerated for the work done under the compulsory State-allocated employment. In its concluding observations of the initial report of the Democratic People's Republic of Korea in 2003, the Committee on Economic, Social and Cultural Rights expressed concern that the compulsory State-allocated employment system was contrary to the right of the individual to freely choose their career or workplace.

⁵⁹ KOR/19/0021.

⁶⁰ KOR/19/0046.

“The right to work issue is political because it helps to maintain the system without paying anyone. This practice is not possible in a real financial environment. Moreover, assigning people to a workplace is also a means to control people and keep them dependent on the State.”⁶¹

Some escapees highlighted that although married women were exempted from the State-assigned jobs, they still had to participate in labour mobilization campaigns for construction and civic projects led by the Korean Democratic Women’s Union.⁶² They noted that this mobilization was an extra burden on married women who were already undertaking household work, taking care of the children, and working in the informal sector to support their family.

Escapees recommended that the Government immediately terminate the State-assigned employment programme, allow citizens to choose their professions based on individual interests and skills and to seek employment opportunities abroad.

“People should be allowed to work based on their talent, interest and capability. People should not be mobilized to places where they have no interest to work. People should be allowed to go to foreign countries to earn money.”⁶³

“State-run companies should provide salary or other compensation for work. The Government should allow commercial activities as well as private businesses for people to make a living.”⁶⁴

Excessive financial and in-kind contributions⁶⁵

“We are asked to support the State but we are not provided with anything, not even the basic minimum conditions, which would empower us to provide that support to the Government. State policies have made our lives miserable and difficult.”⁶⁶

Most escapees pointed to the fact that they were regularly asked to provide monetary and in-kind contributions to Neighbourhood Watch Committees, the Women’s Union, the military, prisons, schools and orphanages. In principle, these contributions were voluntary. However, in practice, people were obliged to pay because anyone refusing to pay was monitored and could face consequences. Escapees stated that these contributions were an additional financial burden for citizens who were already struggling financially.

⁶¹ Interview with an escapee, 25 June 2019.

⁶² Married women belonging to the Korean Democratic Women’s Union are exempted from the State-assigned jobs.

⁶³ KOR/20/0009.

⁶⁴ KOR/19/0032.

⁶⁵ In-kind contributions includes providing different items such as cigarettes for Government officials, food for school teachers, fire wood for schools during winter, and stationary and furniture for Government offices.

⁶⁶ KOR/19/0022.

*"We have to give so much to the State, which is a big financial burden. The economy is not open to other economies so it is not vitalized and our quality of life is declining. People say if you go along the path of Mount Paektu, which means to stay in North Korea, then you will starve to death. If you take the path of the Tumen river (into China), this is the way to survive. If you stay in North Korea, there is no future."*⁶⁷

*"We have to pay a lot of contributions for every event that happens in the city. Everything is a political cause and people are forced to pay. It is hard for those who cannot make money. People who cannot pay will be monitored and can end up in trouble."*⁶⁸

A few escapees provided examples of how excessive in-kind and financial contributions to schools and health institutions had affected rights to education and health.

*"In principle, health care is free in North Korea. However, the reality is that doctors will conduct medical check-ups only after the patient pays a monetary contribution. Doctors and medical professionals do not get enough salary from the Government, so they rely primarily on the contributions from the patients."*⁶⁹

*"The school of my 11-year-old son asked for money every day. The main reason the schools want children is not to teach but to collect money from them. When the schools undertake any activity such as installing computers, they ask the students to pay a certain amount. The school says if you can't pay the money you can't attend the classes."*⁷⁰

Some escapees stated that, while they understood that any government would need money to run the country, it was equally important to provide basic minimum conditions to allow the population to generate income. They believed that many citizens would be willing to pay taxes if the Government ended all forms of *ad hoc* financial contributions. A few escapees also raised concern over the misuse of the country's natural resources, and wished they would be used more efficiently for the benefit of all citizens.

*"North Korea has a lot of resources. If the resources are managed well and traded between the two Koreas, then people will have a better life. It is tragic this is not happening."*⁷¹

c) Protecting fundamental freedoms and the rule of law

"There is too much control by the authorities, which should stop. People should be free. I do not see the possibility of substantive changes as North Korea's leadership's orders are

⁶⁷ KOR/19/0041.

⁶⁸ KOR/19/0022.

⁶⁹ KOR/20/0001.

⁷⁰ KOR/19/0048.

⁷¹ KOR/19/0028.

*implemented without any reasoning.*⁷²

The majority of escapees expressed concern about the lack of respect for the rule of law and fundamental freedoms in the Democratic People's Republic of Korea. They pointed out that the strict interpretation of the law, arbitrary arrest and detention and restrictions on fundamental freedoms had created a climate of fear.

Escapees also stated that the laws were applied unequally depending on political influence, *songbun*, the external and internal political context, and people's ability to bribe officials. It was noted that laws and policies were not always public, and officials had significant discretionary powers, which facilitated abuse of authority. Escapees stated that it was hard for citizens to question any misconduct by officials, since they risked punishment.

*"Under the current system, if you cross the border illegally, use cell phones, engage in helping people cross the border - these are all reasons for arrest and severe punishment. If you use a cell phone only once to call China, you are sentenced to reform through labour. North Korea wants to protect the State by stopping people from crossing [the border]. I believe the punishments are too severe."*⁷³

An escapee shared her dissatisfaction about the harsh application of laws for minor offences:

*"People are arrested for minor offences and, depending on the political situation, there are crackdowns by law enforcement officials. Although the leadership has promised that the laws will not be applied harshly for minor offences, on the contrary local officials implement laws rigidly and harshly. Although human rights are guaranteed in the Constitution, there are rampant violations of human rights and national laws."*⁷⁴

Some escapees stated that they wanted the Government to uphold human rights and fundamental freedoms in a fair and impartial manner. They also talked about meaningful participation in public affairs, including citizens having a say in the selection of the political leadership. A few escapees expressed the view that the rule of law could only be established if people were better aware of their rights.

Escapees described what they thought was necessary for protecting fundamental freedoms in the country.

"I think discussing the rule of law in North Korea would be something for the distant future. What is needed now is to give more options and freedom for the people; how they dress,

⁷² KOR/19/0033.

⁷³ KOR/19/0041.

⁷⁴ KOR/19/0007.

*whom they meet, where they travel, access to movies and music - all those freedoms should be guaranteed. They should be able to vote for their leaders. I think they should be given more options in their daily lives.*⁷⁵

*"From the perspectives of rule of law or good governance for the general population, the Workers' Party should stop monopolizing everything. The Ministry of State Security should also stop its surveillance over the population."*⁷⁶

*"It is useful for people to understand their value and what they are worthy of. The Government has isolated people and, with no information, people are being deceived and manipulated and they do not understand their value."*⁷⁷

Corruption and abuse of authority

Escapees expressed dissatisfaction about widespread corruption and abuse of authority in the country. They stated that almost all law enforcement officials extorted bribes in criminal cases. Some pointed out that people with money could commit serious crimes and get away whereas people without money were imprisoned even for minor crimes. Some also stated that they did not consider law enforcement agencies as legitimate institutions protecting their fundamental rights. Escapees considered that widespread corruption amongst law enforcement officials was rooted in legal ambiguity, which allowed officials to arbitrarily arrest, detain and prosecute anyone who failed to pay bribes.⁷⁸

An escapee highlighted how justice could be bought with money:

*"In North Korea, money matters. You can buy anything by bribing. Money will allow you to study at Kim Il Song University. You can buy justice. Even if you sell 10 kg of drugs, you can easily get out if you pay money. The authorities take bribes. The Deputy District Prosecutor takes bribes for criminal cases. People without money or influence are the only ones who are suffering."*⁷⁹

Freedom of movement

"If people could travel more freely outside of the country, they would be able to earn more. There are no job opportunities in North Korea and all industries are closed. If people can freely travel to China, Russia and South Korea they will work hard, earn more money, and

⁷⁵ Focus Group Discussion, 12 April 2019.

⁷⁶ KOR/19/0047.

⁷⁷ KOR/19/0023.

⁷⁸ For more information, see "The Price is Rights: The violation of the right to an adequate standard of living in the Democratic People's Republic of Korea", OHCHR, May 2019.

⁷⁹ KOR/19/0032.



*support the economy.*⁸⁰

Escapees highlighted that the undue restrictions on freedom of movement have limited their ability to freely trade, seek job opportunities, receive and impart information, engage in social life and explore the outside world.⁸¹ People were required to obtain travel permits to travel to another province. Escapees mentioned that it was easier to get travel permits for medical emergencies, to visit relatives or family members, and for other social purposes than for commercial reasons. It was particularly difficult to get permission to access some areas, including Pyongyang. Those seeking a travel permit often paid a bribe to ensure they were granted one and to prevent delays.

*"If one has money, one can move freely. Travel permits can be obtained by paying bribes."*⁸²

*"I normally brought a packet of tobacco to bribe the officials whenever I needed a permit."*⁸³

Some escapees explained that, while authorized, international travel was highly restricted.⁸⁴ A large number of people cross the border to China on a daily basis to trade, seek job opportunities, or to permanently leave the Democratic People's Republic of Korea.⁸⁵ Interviewees noted that women

⁸⁰ Focus Group Discussion, 12 April 2019.

⁸¹ The 2014 Commission of Inquiry also concluded that the policy to restrict the freedom of movement was designed to limit information flows and to uphold discrepancies in living conditions that favoured elites.

⁸² KOR/019/0004.

⁸³ KOR/019/0007.

⁸⁴ Article 233 of the Criminal Code states that any illegal crossing of the border is an offence subject to less than two years of short-term labour or, in grave cases, up to five years of reform through labour.

⁸⁵ The majority of those involved in commercial activities and trade are women and therefore a large number of women cross the border on a daily basis.

crossing the border were particularly vulnerable to abuse and exploitation.⁸⁶ They pointed out that a large number of people in detention facilities in the Democratic People's Republic of Korea were serving sentences for illegal border crossing. They expressed the wish that the Government would immediately relax the restrictions on freedom of movement and allow people to travel for work, study and for other economic as well as social purposes, both within and outside of the country. They also noted the need to make travel safer for women.

"A priority should be allowing North Korean residents to move freely and study if they wish to."⁸⁷

"The economic isolation has made life harder, which has to change. People only see leaving the country as a solution. Leaving the country is also risky. If you are arrested, you will be sent to a kyohwaso (ordinary prison). People who have been detained in a kyohwaso will always attempt to leave the country."⁸⁸

Freedom of opinion, expression and access to information

"It is not possible to make comments about the leadership or how the country is run while one is in North Korea. If a person makes negative comments they are sent to a political prison camp."⁸⁹

Escapees stated that many citizens of the Democratic People's Republic of Korea had a very limited understanding of their rights due to the severe restrictions on the rights to freedoms of opinion and expression. They reported that all information was State-sanctioned and authorities regularly cracked down on any attempts by the population to access foreign movies, music or media.

"Group 109⁹⁰ cracks down on people watching foreign movies that are not shown on North Korean TV. Even children are beaten and sent to prison if arrested by this group."⁹¹

Some escapees explained that in recent years, market places had become important hubs, not only for trade but also for exchanging information. With some access to relatively independent information through increased interactions due to trade, pen drives and mobile phones, people had slowly started to understand that not everything coming from the Government could be trusted. A few escapees pointed out that the younger generation was finding it hard to accept the rationale for severe restrictions on their fundamental freedoms. Escapees emphasized that the restrictions on freedoms of opinion and expression should be abolished and the Government should listen to

⁸⁶ An OHCHR survey of 636 women who arrived to the Republic of Korea in 2018 and 2019 shows that many women who have travelled to China from the Democratic People's Republic of Korea were sold for marriage or for sexual exploitation in exchange for safe passage in China.

⁸⁷ KOR/19/0036.

⁸⁸ KOR/19/0044.

⁸⁹ KOR/19/0013.

⁹⁰ Group 109 is a special unit comprised of officers from various law enforcement agencies to conduct crackdowns on "anti-socialist activities"; primarily viewing and distribution of unauthorized foreign media content.

⁹¹ KOR/19/0009.

constructive suggestions from its population.

"I think it is meaningful that information circulates through Jangmadang [markets]. When I left the country, it was to avoid starvation. However, the younger North Koreans are leaving the country not because they are starving to death but because of the lack of fundamental freedoms. They have access to outside information and do not want to live a restricted life in North Korea."⁹²

"There are varying perceptions based on the region people live in. In border regions, they have better access to information from outside the country, but in the southern and more inland regions there is limited information available from outside and people are brainwashed, so they believe in what the authorities say."⁹³

d) Detention and Prison Reforms

"... the punishments they would give us included having to put our hands behind our neck and do squats. We weren't allowed family visits and didn't receive any medical check-ups."⁹⁴

Many of the escapees had experienced detention in the Democratic People's Republic of Korea. They stated that detainees were systematically tortured and ill-treated during interrogation or as a punishment; sexual violence against women was prevalent; and detention conditions were inhumane, overcrowded and unsanitary. Escapees also noted that the sexual and reproductive rights of female detainees were not respected and that detainees were subjected to forced labour.⁹⁵

They called for improvements in detention conditions and in the treatment of detainees. They also wanted the Government to amend the criminal laws that allow excessive sentencing for minor offences - such as crossing the border, conducting business activities or making international phone calls - and to find alternatives to incarceration for petty crimes.

An escapee stated:

"... punishments for the smallest crimes are too severe. There is no mercy, no process to just give a warning, no social education. It is always just a strong sentence and hard labour."⁹⁶

Some escapees, primarily those now working on human rights issues in the Democratic People's Republic of Korea, recommended establishing an independent prison monitoring system, with

⁹² KOR/19/0023.

⁹³ Ibid.

⁹⁴ KOR/19/0010.

⁹⁵ For more witness testimony and analysis, see "I still feel the pain: Human rights violations against women detained in the Democratic People's Republic of Korea", OHCHR, July 2020.

⁹⁶ KOR/19/0041.



the participation of the international community. They also wanted the United Nations and the international community to continue to advocate against the use of torture and ill-treatment in detention facilities.

“There are still many victims of torture in North Korea and many have experienced mental trauma. The international community should demand that authorities stop torture in detention facilities and provide support to detainees. The United Nations has raised its voice but there is still a need for further efforts from the United Nations.”⁹⁷

Some escapees expressed concern about the existence of political prisons⁹⁸ (*kwanliso*) and advocated for the dismantling of all political prison camps and the release of political prisoners. Some also highlighted that, as the Ministry of State Security was involved in human rights violations, its reform was critical to improving the human rights situation in the Democratic People's Republic of Korea.

e) The need to include human rights in the inter-Korean and denuclearization dialogue

“There is a long list of human rights issues that need to be addressed by North Korea. These issues include the dismantlement of political prisons, guaranteeing the right to freedom of

⁹⁷ Focus Group Discussion, 18 April 2019.

⁹⁸ In the Democratic People's Republic of Korea, persons accused of political crimes are arbitrarily arrested and kept in incommunicado detention. Families of political prisoners are not informed about their whereabouts. According to the 2014 Commission of Inquiry, political prisoners are eliminated through deliberate starvation, torture, forced labour and executions.

*movement, issuing passports to its citizens, opening up to international non-government organizations to assess the situation, and the removal of the guilt by association system.*⁹⁹

Escapees, in particular those who are now working on human rights issues in the Democratic People's Republic of Korea, were disappointed that human rights were not included in the peace diplomacy of the United States of America and the Republic of Korea. They acknowledged that while denuclearization and economic cooperation were a priority for both countries, prioritizing human rights was also particularly important for people of the Democratic People's Republic of Korea. They rejected the rationale that economic opportunities would automatically bring improvements in the human rights situation. Rather, they considered that improvements in the human rights situation were a precursor to long-lasting peace and stability and subsequent economic and social development.

*"I find it unfortunate that human rights have never been discussed in the peace process; people matter whenever we discuss reconciliation and peace, but human rights have been off the table completely despite also being related to the issue of nuclear weapons."*¹⁰⁰

*"This is a disappointment to escapees living in South Korea because, in the past, both the United States and South Korea raised North Korea's human rights issues but, with the start of the summits, the human rights agenda has disappeared."*¹⁰¹

*"I agree that discussions should focus on denuclearization or economic cooperation, but I also believe North Korean human rights issues should be raised."*¹⁰²

Escapees, particularly those working on human rights issues in the Democratic People's Republic of Korea, would like both the Republic of Korea and the United States of America to prioritize human rights in their talks with the Democratic People's Republic of Korea. Escapees stated that if the United States of America and the Republic of Korea did not prioritize human rights in their talks, it was unlikely that the Democratic People's Republic of Korea would proactively take steps to end the widespread violations in the country.

*"I strongly suggest that discussions on human rights issues take place. Without human rights issues discussed, no other issues can be properly addressed; this should be emphasized."*¹⁰³

"It is delusional to think that economic cooperation can come without addressing human rights in North Korea. The human rights violations in North Korea amount to crimes against

⁹⁹ Focus Group Discussion, 18 April 2019. In the Democratic People's Republic of Korea, on the basis of the principle of guilt by association, entire families are punished if their close relatives (including forebears, to the third generation) commit political crimes. In the past, all the family members were sent to prison; however, in the recent years, it appears that family members are expelled to rural areas rather than incarcerated.

¹⁰⁰ Focus Group Discussion, 12 April 2019.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

humanity. It is important that South Korea makes recommendations to North Korea to allow inspections of the political prisons, to the dismantlement and shutting down of the secret prisons, and stopping the practice of torture. Freedom of movement, freedom of choice of residency, and engaging in commercial activities should all be allowed. Only once these freedoms are guaranteed should economic cooperation and peace talks take place."¹⁰⁴

Escapees also underscored other human rights issues requiring immediate attention, such as the resolution of the issue of separated families, the release of foreign nationals detained in the Democratic People's Republic of Korea,¹⁰⁵ and taking steps to establish the truth about nationals of the Republic of Korea abducted during and after the Korean War.

"On the human rights front, there is nothing that should not be prioritized; however, there are issues that should be addressed promptly. People are getting older and dying, so separated families should meet; the Korean Air Lines abductee father¹⁰⁶ is alive but is already too old. North Korea should recognize these issues. If they demonstrate that they can resolve these human rights issues, we can have the patience to believe that other human rights issues will also be resolved."¹⁰⁷

"Apart from confirming the fate of political prisoners, there are many cases of detainees that have died in prisons and whose bodies have not been returned to family members. In addition, South Koreans were abducted and taken to North Korea and it is important to locate them. The international community and the United Nations have to pressure North Korea to address these issues even if there are no immediate results."¹⁰⁸

Escapees also expressed the need for dialogue to be inclusive and participatory and represent the views of people of the Democratic People's Republic of Korea.

"When North Korea has talks with the United States or South Korea, they prefer to keep it in a closed setting so the whole process is not revealed to North Korean people. Only results are revealed, and in a distorted way. When Kim Jong Un visited Russia, there was optimism on the positive trade outcomes, but these expectations were the result of propaganda. If the whole process of talks is revealed to the North Korean public, the Government would more likely care about the people's views and listen to them."¹⁰⁹

¹⁰⁴ Focus Group Discussion, 2 May 2019.

¹⁰⁵ At least six citizens of the Republic of Korea, including three pastors, remain in detention in the Democratic People's Republic of Korea.

¹⁰⁶ In December 1969, a Korean Air Lines plane carrying four crew members and 46 passengers was hijacked from the Republic of Korea and taken to the Democratic People's Republic of Korea. Thirty-nine passengers were returned on 14 February 1970, but the crew and seven passengers remain unaccounted for.

¹⁰⁷ Focus Group Discussion, 2 May 2019.

¹⁰⁸ Focus Group Discussion, 18 April 2019.

¹⁰⁹ Focus Group Discussion, 2 May 2019.

VII. Conclusion

Through individual interviews and group discussions, escapees provided their views on the peace process, the most urgent human rights concerns in the Democratic People's Republic of Korea, and their expectations from the Government and the international community.

While acknowledging the significance of the current dialogue as an opportunity to pursue a peaceful resolution of conflict on the Korean peninsula, they voiced disappointment at the lack of any effort to include voices of people of the Democratic People's Republic of Korea, including those living outside of the country. The lack of discussion of long-standing human rights issues that are of fundamental importance to people of the Democratic People's Republic of Korea is a particular concern, as it risks overlooking drivers of conflict and abuse and undermining the prospects for sustainable peace.

The escapees interviewed were of the opinion that their aspirations for the rule of law, respect for human rights and fundamental freedoms, non-discrimination and gender equality, economic growth and an adequate standard of living can only be fulfilled by initiating wide-ranging reforms. They considered that the pathways towards securing lasting peace can be achieved through an inclusive and human rights-centered peace process. They also underscored that the international community has a critical role to play to advocate for and support such processes and reforms.

VIII. Recommendations

To the Government of the Democratic People's Republic of Korea:

The Government of the Democratic People's Republic of Korea, as a State party to five core international human rights treaties, has legally binding obligations under international human rights law to introduce legal, institutional and policy reforms to ensure that all people in the country can enjoy their fundamental rights.

Taking into consideration the views expressed by escapees, OHCHR has formulated recommendations to the Government of the Democratic People's Republic of Korea for its consideration.¹¹⁰ While not exhaustive, these recommendations, contained in the annex, can be used as benchmarks by the Democratic People's Republic of Korea to initiate reforms to improve the human rights situation.

To the International Community:

The international community can use the recommendations contained in the annex as benchmarks to assess the commitment of the Democratic People's Republic of Korea to meaningful human rights reforms and to measure progress in that regard. It should also:

- Continue to pursue a policy for a peaceful resolution of the conflict on the Korean peninsula and ensure that any peace or denuclearization dialogue and engagement with the Democratic People's Republic of Korea is human rights-centred;
- Ensure that a human rights-based framework is integrated into economic and humanitarian cooperation with the Democratic People's Republic of Korea, including by advocating for the rights to work and an adequate standard of living;
- Provide support to the efforts of civil society actors to bring improvements to the situation of human rights in the Democratic People's Republic of Korea; and
- Continue to support efforts to ensure a comprehensive accountability process for past and ongoing human rights violations in the Democratic People's Republic of Korea.

¹¹⁰ The recommendations also take into account the recommendations from various United Nations human rights mechanisms, including the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. It also takes note of the recommendations made in June 2018 by 52 civil society organizations to Kim Jong Un, urging the start of fundamental and wide-ranging reforms to address the human rights issues in the country. <https://www.hrw.org/news/2018/06/06/joint-letter-human-rights-watch-and-ngos-kim-jong-un>

In addition to the above recommendations, the Republic of Korea and the United States of America should:

- Integrate human rights into the peace and denuclearization talks; and
- Promote a participatory and inclusive peace process by involving escapees living outside of the Democratic People's Republic of Korea.

Annex

Human Rights Benchmarks

i. Inclusivity in the peace talks

Meaningful participation of citizens of the Democratic People's Republic of Korea in the peace process will contribute to a more inclusive peace process and will enhance the legitimacy and broaden ownership of the process.

1. Ensure the full participation of citizens of the Democratic People's Republic of Korea to make the peace process inclusive and participatory. Special efforts should be made to ensure the equal participation of women and people from marginalized communities, including those from rural areas, as well as persons with disabilities and those from lower *songbun*. Efforts should also be made to ensure the equal participation of women and men within these communities.
2. Provide regular, accurate and up-to-date information to the citizens of the Democratic People's Republic of Korea on the peace process.
3. Initiate meaningful consultations with victims and other relevant stakeholders on accountability, truth and justice with the aim of addressing the serious and long-standing human rights violations in the country.

ii. Equality and non-discrimination

The *songbun* system has led to structural discrimination and has perpetuated abuses through fear and exclusion. Discrimination based on *songbun*, socio-political status or gender has also affected the full enjoyment of civil, political, economic, social and cultural rights.

4. End all forms of discrimination based on *songbun* or socio-political status, including in access to education and employment.
5. Provide social and economic protection to groups in vulnerable and disadvantaged situations, especially those from lower *songbun* and those living in rural areas.

6. End all forms of discrimination against women, and take special efforts to ensure gender equality in both law and practice.
7. Criminalize all forms of sexual and gender-based violence; provide protection and support for the victims/survivors of sexual and gender-based violence; and hold perpetrators accountable for their crimes.

iii. Economic and social rights, including an adequate standard of living

Strict restrictions on economic activities, compulsory State-assigned employment without remuneration, the requirements of payments of contributions and bribes for engaging in economic activities, and the failure of the public distribution system, have led to economic hardship for many people. The failure of the Government to provide sufficient and quality social and economic services for the whole population and in securing a conducive environment for exercising the right to freely chosen work and engaging in private economic activity has led to violations of economic and social rights, including the right to an adequate standard of living.

8. Initiate economic reforms, including by decriminalizing legitimate market activities and protecting the right to earn a living by work which is freely chosen; facilitate citizens' efforts to seek economic opportunities safely inside the country and abroad.
9. End compulsory mobilization of labour without remuneration in State-run enterprises; amend legislation to outlaw forced labour and to create favourable conditions for the creation / development of freely chosen employment.
10. Become a member of the International Labour Organization.
11. Adopt a human rights-based and gender-sensitive approach to economic and social development.
12. Ratify the United Nations Convention on Corruption.
13. Establish an independent national anti-corruption body with the mandate, funding and staffing necessary to effectively counter corruption and ensure the protection of whistle-blowers.

iv. Fundamental freedoms and the rule of law

The Democratic People's Republic of Korea continues to unduly limit the exercise of fundamental freedoms, including the rights to freedoms of movement, opinion and expression, and access to information. People are incarcerated for petty crimes with no fair trial or due process. Rampant corruption has meant that citizens have to pay bribes to authorities to be able to exercise fundamental rights.

14. Undertake a comprehensive and gender-sensitive review of legislation that limits fundamental freedoms, and initiate reforms to bring laws into line with international human rights standards.
15. Initiate steps for judicial and law enforcement reforms to establish the rule of law, including an

- independent and impartial judiciary, and to uphold due process rights.
16. Work with the international community to bring the criminal justice system into line with the State's obligations under the International Covenant on Civil and Political Rights and other international human rights instruments.
 17. Recognize the fundamental right to freedom of movement within the country and abroad; ensure that those who return or are repatriated to the Democratic People's Republic of Korea are not subjected to imprisonment or other forms of punishment for irregular border crossing. Ensure that people can exercise their right to freedoms of opinion and expression without fear of arrest and detention; allow people to have access to independent sources of information, including from outside of the country.
 18. Provide human rights and legal education to the general population; introduce human rights education to law enforcement and other State officials to ensure respect for all human rights without discrimination of any kind.

v. Detention reform and political prisoners

The use of ill-treatment, torture and sexual violence in detention facilities and prisons remains widespread. Conditions in detention facilities and prisons are not in line with international norms and standards, and people are held in political prisons without due process and for prolonged periods of time.

19. Issue an order from the highest authority to strictly enforce the provisions in the Criminal Code and Criminal Procedure Code prohibiting the use of torture and ill-treatment.
20. With support from the international community, undertake a comprehensive and gender-sensitive review of all detention facilities to improve detention conditions and to eliminate torture, ill-treatment and forced labour; apply alternatives to incarceration for petty offences and reduce pre-trial detention.
21. Release all political prisoners and clarify the fate of any disappeared persons whose whereabouts cannot be traced; return the remains of prisoners who died in detention to their family members.
22. Conduct a prompt and impartial investigation into all allegations of violations of the rights of detainees, including cases of sexual violence; ensure that all victims have access to effective remedies and redress.
23. In line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Female Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), provide minimum standards for food, accommodation and medical support, including sexual and reproductive health services for female detainees, in all places of detention.
24. Provide access to human rights monitors to all detention facilities throughout the country; allow humanitarian agencies to conduct needs assessment and provide assistance to detainees in prisons and other detention facilities.

vi. Separated families and abductions

Despite numerous commitments to resolving the issue of separated families, the plight and pain of the families continue. Due to the advanced age of many of the victims, there is an urgent need for the Democratic People's Republic of Korea to allow more frequent family reunion events and exchanges of video messages between families as a priority humanitarian concern. The abductions of civilians from the Republic of Korea, Japan and other countries, and the release of foreign nationals currently detained in the Democratic People's Republic of Korea for acts that should not be criminalized under international law need to be promptly resolved.

25. Ensure that family reunion events are held regularly and allow separated families to remain in touch after reunion meetings.
26. In addition, allow for other forms of communication, including video reunions and exchanges of information, photos, videos and phone calls.
27. Publish a list of all foreign nationals currently detained in the Democratic People's Republic of Korea.
28. Together with the Republic of Korea, Japan and other concerned countries, initiate credible investigations to clarify the fate of all alleged abductions by the Democratic People's Republic of Korea.

vii. Cooperation with international human rights mechanisms

Engaging with the international human rights mechanisms is a key step for the Democratic People's Republic of Korea to demonstrate its willingness to initiate a human rights dialogue with the international community and implement necessary reforms. In 2018, the Government submitted its report to the Committee on the Rights of Persons with Disabilities and, in May 2019, it participated in the Universal Periodic Review and agreed to implement 132 recommendations out of 262 made by other Member States.

29. Ratify the International Convention on the Elimination of All forms of Racial Discrimination and the Convention against Torture.
30. Engage constructively with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other special procedures mandate holders, and allow them access to the country; consider facilitating one visit per year by a thematic special procedure mandate-holder.
31. Expand cooperation with the Office of the United Nations High Commissioner for Human Rights, including through technical cooperation and capacity building programmes to support implementation of recommendations from the Universal Periodic Review, treaty bodies and other human rights mechanisms.
32. Submit outstanding reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee.



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